



**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-2  
AGENDA DATE: Thu 07/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0077 - Crescent Machinery - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 127 and 129 East Riverside Drive (East Bouldin Watershed) from limited industrial service (LI) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Crescent Machinery (Michael Tinsley). Agent: DSWMvK (Michelle R. Allen). City Staff: Robert Heil, 974-2330.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-05-0077

**Planning Commission Date:**

June 14, 2005

**ADDRESS:** 127 and 129 East Riverside Drive

**OWNER/APPLICANT:** Crescent Machinery  
(Michael Tinsley)

**AGENT:** DSWMvK  
(Michelle R. Allen)

**ZONING FROM:** LI

**TO:** CS-CO

**AREA:** 1.609 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of General Commercial Services Conditional Overlay (CS-CO) combining district zoning. The Conditional Overlay would limit the vehicle trips to less than 2000 per day. Additionally the overlay would prohibit the following uses:

- Adult Oriented Business
- Agricultural Sales and Services
- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Bond Bail Services
- Campground
- Commercial Blood Plasma Center
- Commercial Off-Street Parking
- Convenience Storage
- Drop-Off Recycling
- Exterminating Services
- Food Sales (in excess of 3000 sq. ft site area)
- Funeral Services
- Indoor Entertainment
- Indoor Sports and Recreation
- Kennels
- Laundry Services
- Local Utility Services
- Maintenance and Service Facilities
- Monument Retail Sales
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Residential Treatment
- Restaurant (General, (in excess of 3000 sq. ft site area)
- Restaurant (Limited) (in excess of 3000 sq. ft site area)
- Service Station
- Pawn Shop Services
- Telecommunication Tower -1
- Theater
- Transitional Housing
- Transportation Terminal
- Vehicle Storage

### **PLANNING COMMISSION RECOMMENDATION:**

**June 14, 2005:** Approved the staff recommendation of CS-CO by consent 6-0 (Commissioners Medlin and Galindo off the dais).

**DEPARTMENT COMMENTS:**

The site currently has Limited Industrial Services (LI) district zoning and is used for equipment rental. The proposal is for of General Commercial Services (CS) district zoning. Staff support CS zoning, with a conditional overlay to limit the number of vehicle trips and some uses inappropriate for the location.

The site is currently surrounded by CS, CS-1 and LI zoning being used for a variety of uses, primarily office, commercial and multi-family. (Attachments 1 and 2).

The stated intent of the developer is a mixed use project. Residential uses are allowed in CS districts as part of the Waterfront Overlay. (Draft Site Plan, Attachment 3).

There are numerous issues site plan issues that the applicant will need to address prior to site plan approval. None of these site plan issues impacts the appropriateness of General Commercial Services (CS) district zoning on the site.

This site is located in the Waterfront Overlay – South Shore Central, LDC Section 25-2-742. Re-development of the site would be severely restricted by the full application of the required creek setback in 25-7-742. The applicant, with the neighborhood’s support intends to seek a variance to this aspect of the overlay. (Attachment 2)

Portions of the site are located within the 100 year floodplain of East Bouldin Creek. (Attachment 4).

The property lies within the South River City Neighborhood Planning Area, currently underway, and scheduled to come before the Planning Commission this summer. (Attachments 5 and 6) The request is consistent with the proposed future land use plan for this area, which designates the site as mixed use. A letter of support from the neighborhood is attached. (Attachment 7)

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI	Heavy Machinery Rental
<i>North</i>	CS-1 and CS	Various Small Retail and Office
<i>South</i>	CS-MU and CS	Apartments and Trade School
<i>East</i>	CS and LI	Trade School and Equipment Sales
<i>West</i>	CS-1 and CS-MU	Bank and Apartments

**AREA STUDY:** The property lies within the South River City Neighborhood Planning Area, currently underway, and scheduled to come before the Planning Commission this summer. The request is consistent with the proposed future land use plan for this area.

**TIA:** N/A

**WATERSHED:** East Bouldin      **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No      **HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- South River City Citizen's Association (74)
- Terrell Lane Interceptor Association (300)
- South Central Coalition (498)
- Austin Neighborhoods Council (511)
- Austin Independent School District (742)

**SCHOOLS: (AISD)**

Travis Heights Elementary School      Fulmore Middle School      Travis High School

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Riverside Drive	90'	60'	Arterial

- Capital Metro bus service is available along Riverside Drive.
- Riverside Drive is classified in the Bicycle Plan as a Priority 1 bike route.
- There are existing sidewalks along Riverside Drive.

**CITY COUNCIL DATE:** July 28, 2005 **ACTION:**

**ORDINANCE READINGS:**                      2<sup>nd</sup>                      3<sup>rd</sup>

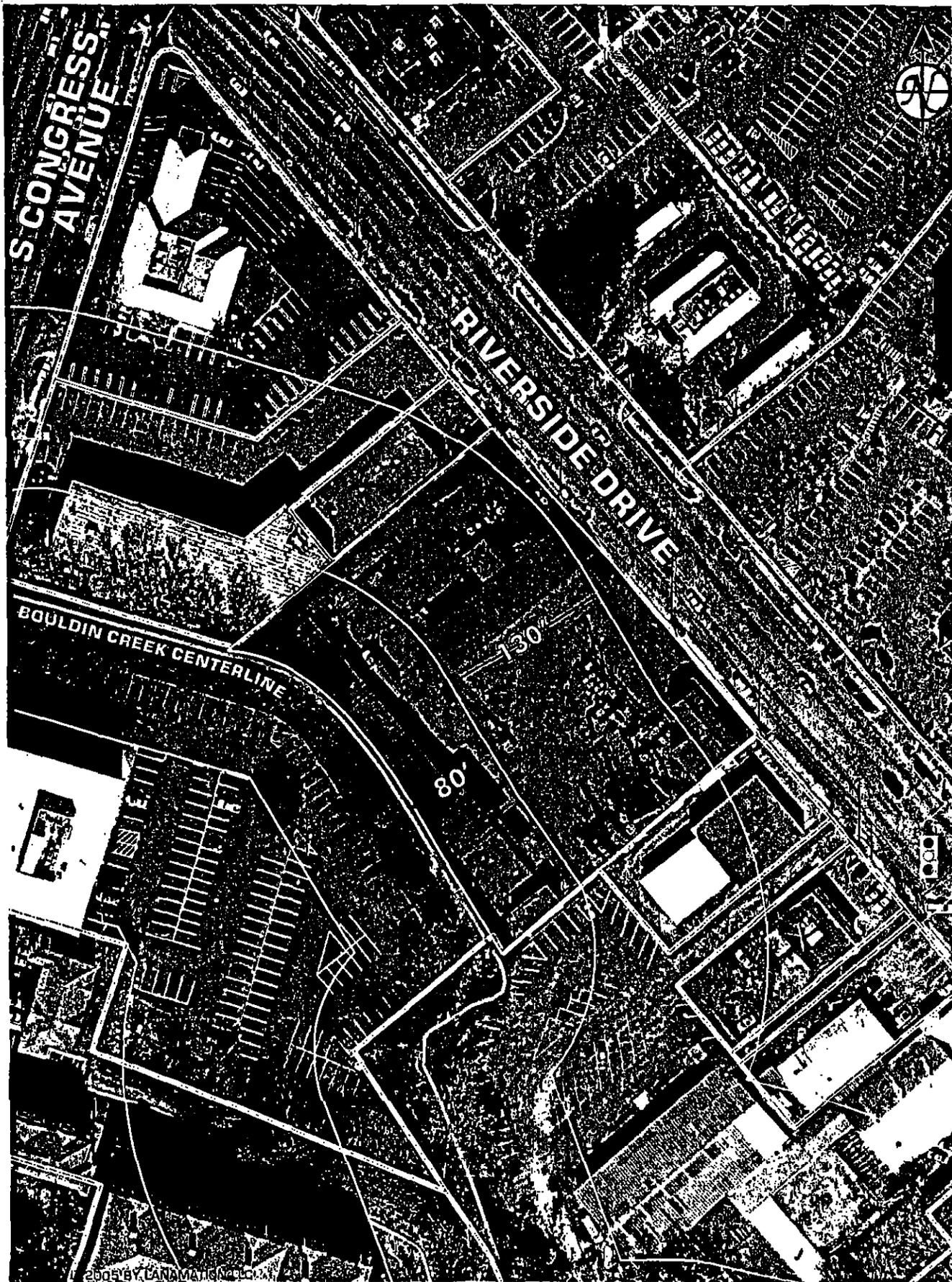
**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



# Attachment 2



**SUMMARY STAFF RECOMMENDATION**

C14-05-0077

Staff recommends approval of General Commercial Services Conditional Overlay (CS-CO) combining district zoning. The Conditional Overlay would limit the vehicle trips to less than 2000 per day. Additionally the overlay would prohibit the following uses:

- Adult Oriented Business
- Agricultural Sales and Services
- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Bond Bail Services
- Campground
- Commercial Blood Plasma Center
- Commercial Off-Street Parking
- Convenience Storage
- Drop-Off Recycling
- Exterminating Services
- Food Sales (in excess of 3000 sq. ft site area)
- Funeral Services
- Indoor Entertainment
- Indoor Sports and Recreation
- Kennels
- Laundry Services
- Local Utility Services
- Maintenance and Service Facilities
- Monument Retail Sales
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Residential Treatment
- Restaurant (General, (in excess of 3000 sq. ft site area)
- Restaurant (Limited) (in excess of 3000 sq. ft site area)
- Service Station
- Pawn Shop Services
- Telecommunication Tower -1
- Theater
- Transitional Housing
- Transportation Terminal
- Vehicle Storage

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The site is surrounded by CS and CS-1 zoning, being used for commercial and multi-family purposes. CS zoning is appropriate and compatible.

2. *The proposed zoning should be consistent with approved neighborhood plans.*

CS zoning is consistent with the draft Future Land Use map of the South River City Neighborhood Plan

## **EXISTING CONDITIONS**

The site currently has Limited Industrial (LI) district zoning and is used for equipment rental. The proposal is for of General Commercial Services (CS) district zoning. Staff support CS zoning, with a conditional overlay to limit some uses in appropriate for the location.

The stated intent of the developer is a mixed use project. Residential uses are allowed in CS districts as part of the Waterfront Overlay.

The site is currently surrounded by CS, CS-1 and LI zoning being used for a variety of uses, primarily office, commercial and multi-family.

### **Site Plan**

There are numerous issues site plan issues that the applicant will need to address prior to site plan approval. None of these site plan issues impacts the appropriateness of General Commercial Services (CS) district zoning on the site.

This site is located in the Waterfront Overlay – South Shore Central. If new development is proposed it would be required to comply with LDC Section 25-2-742. Re-development of the site would be severely restricted by the full application of the required creek setback in 25-7-742. The applicant, with the neighborhood's support intends to seek a variance to this aspect of the overlay.

This site is also located on a Scenic Roadway which would impact future sign permits in this area.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 8,458 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The applicant proposes the following uses, which will generate a total of 1,449 trips per day: 145 apartment units, 4,600sf retail and 8,100sf of office.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should

be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is available along Riverside Drive.

Riverside Drive is classified in the Bicycle Plan as a Priority 1 bike route.

There are existing sidewalks along Riverside Drive.

**Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Riverside Drive	90'	60'	Arterial

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

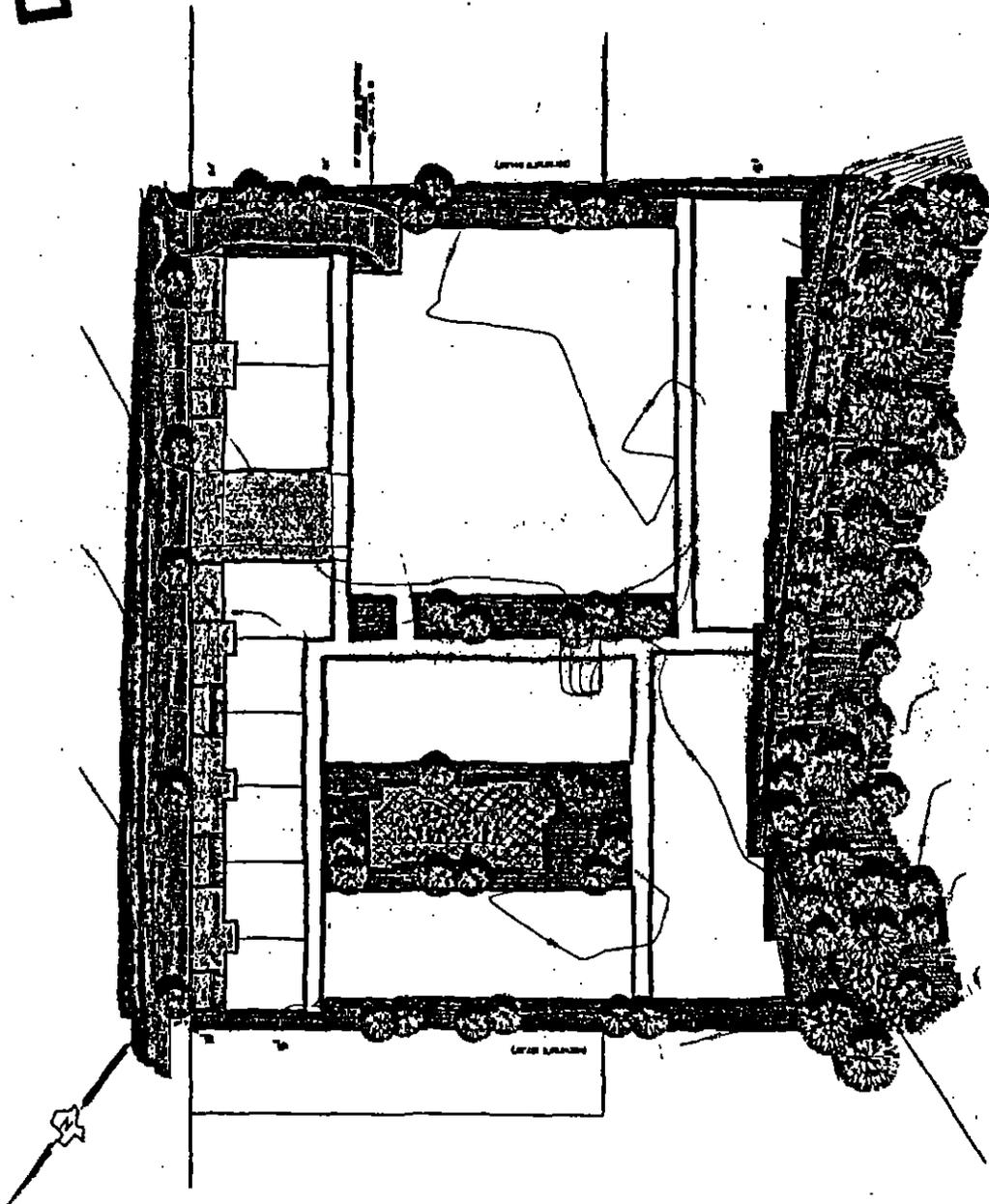
According to flood plain maps, the flood plain of East Bouldin Creek falls within the project area.

C14-05-077

**Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.**

RIVERSIDE  
AUSTIN, TEXAS

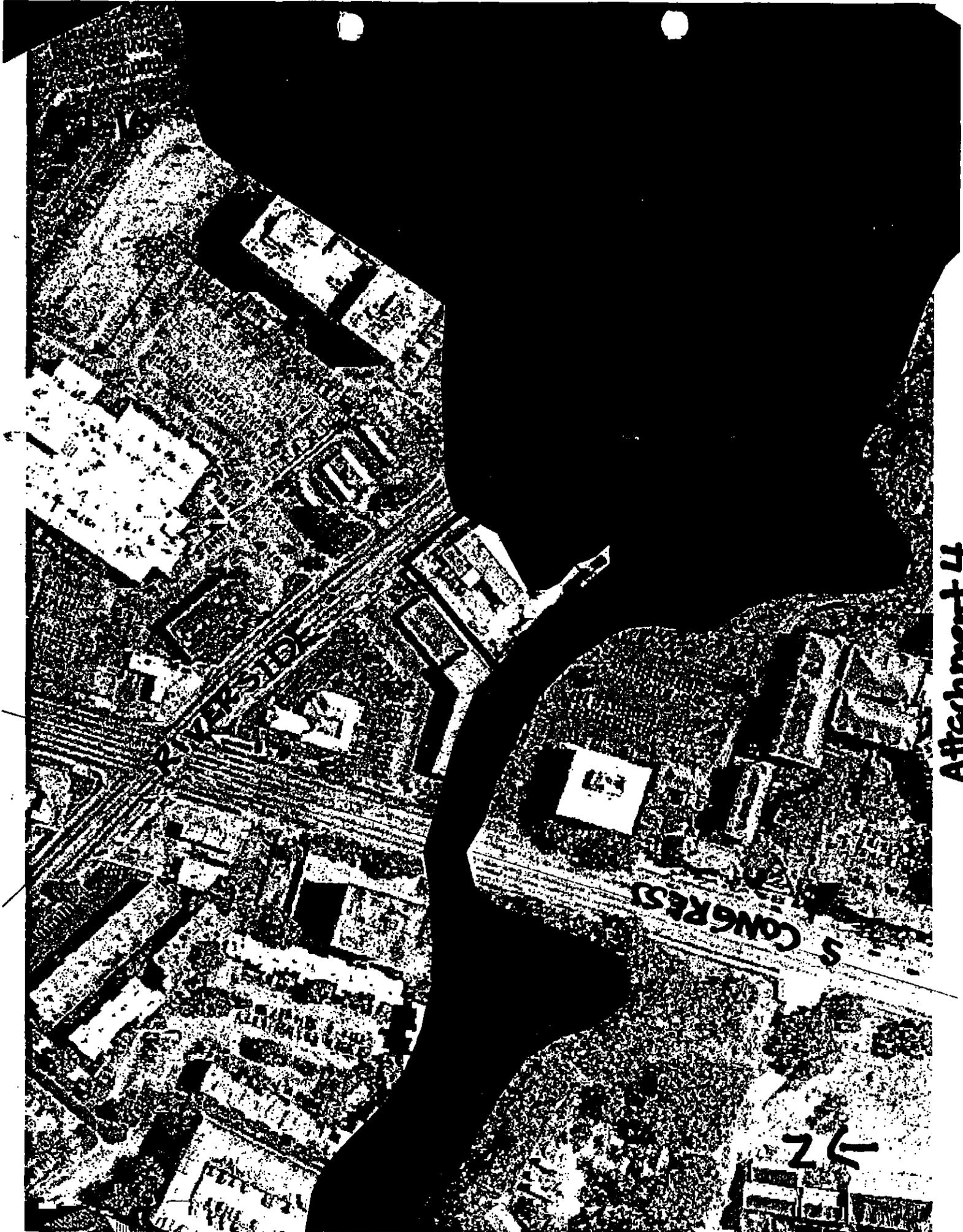
DRAFT



SITE PLAN

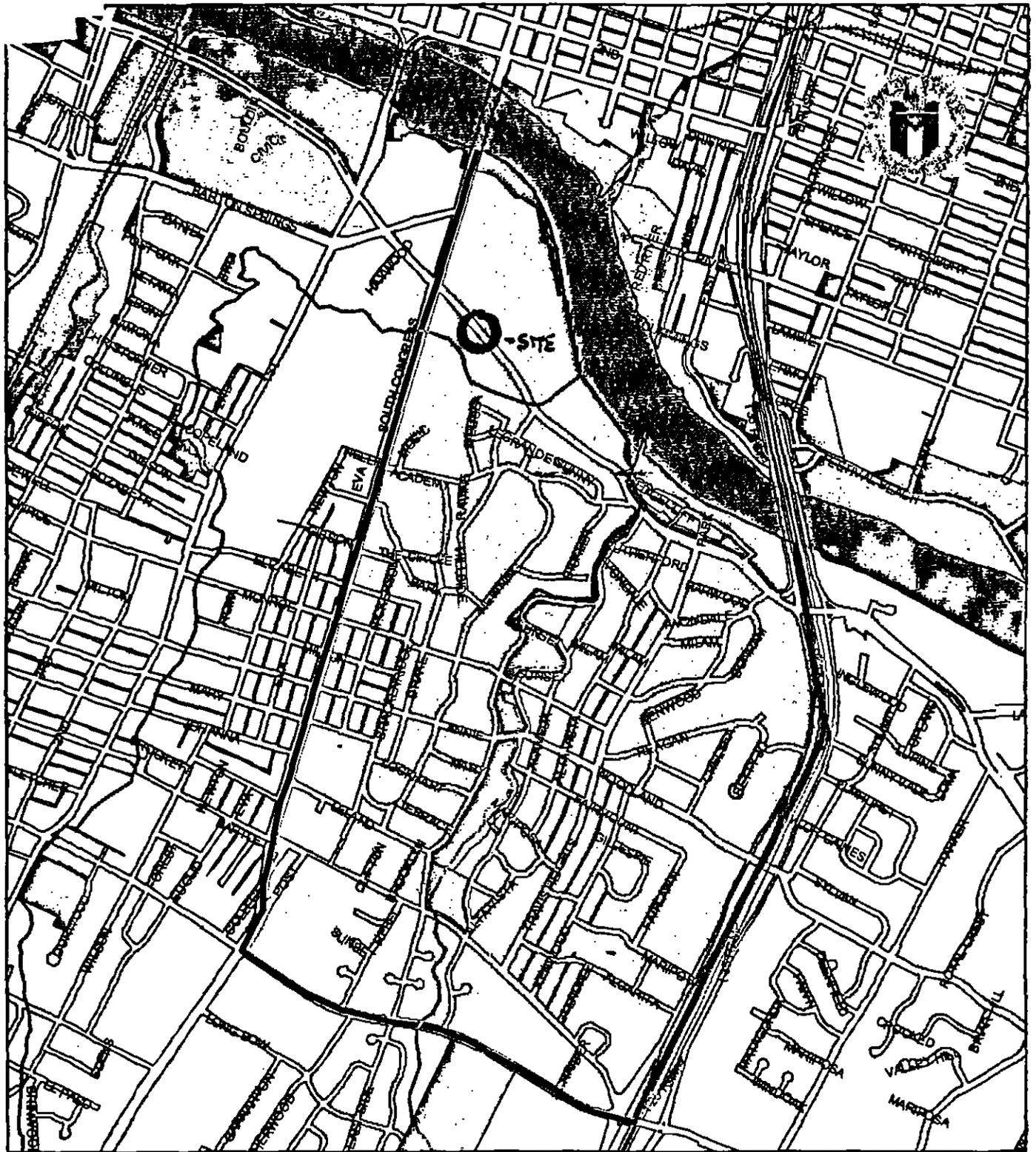
Chiles Architects, Inc.

Attachment 3

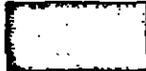


Attachment 11





**South River City  
Neighborhood Planning Area**

 Parks

0.5                      0                      0.5 Miles



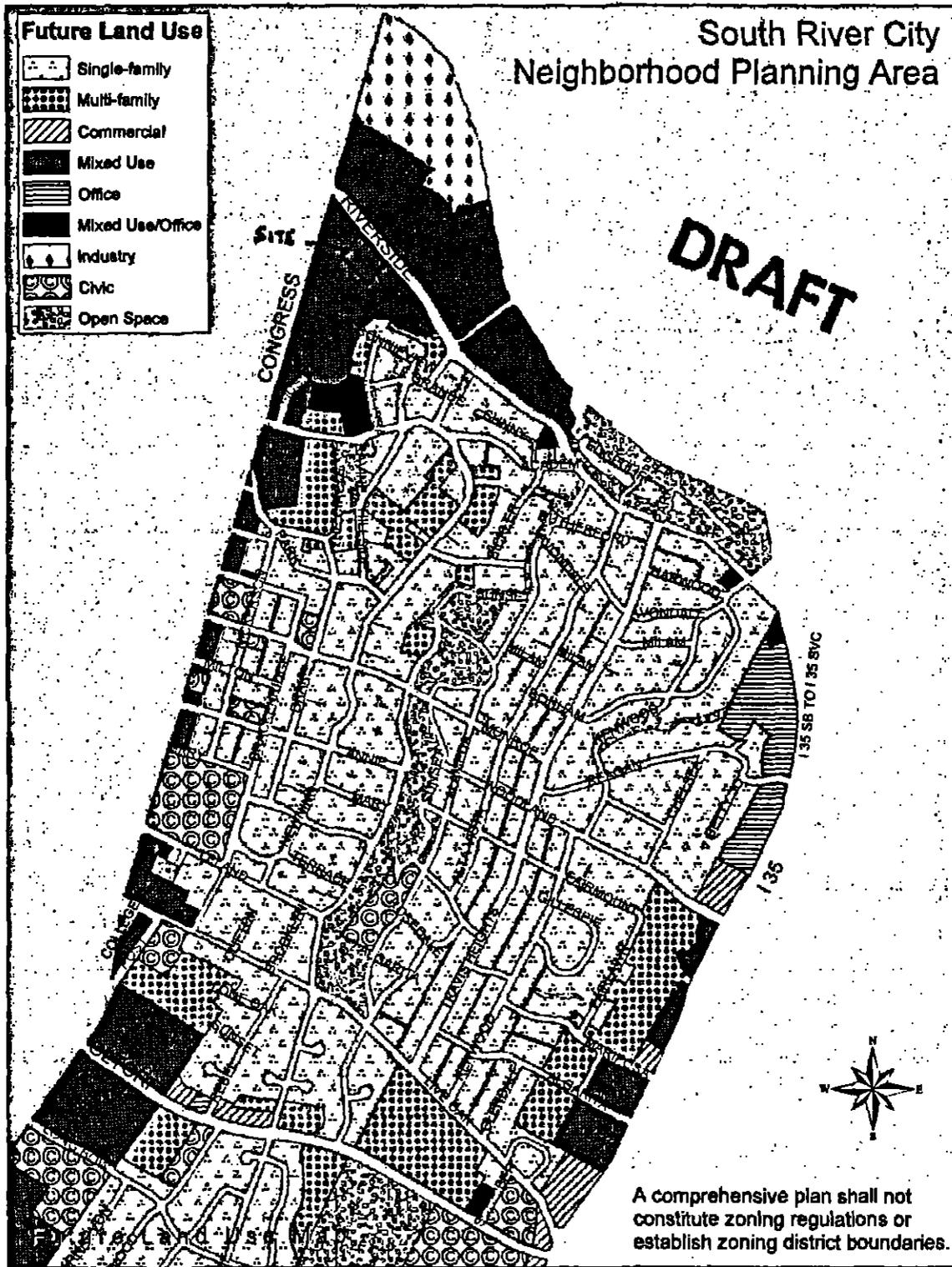


FIGURE 7.3: South River City Neighborhood Planning Area – Future Land Use

# SRCC SOUTH RIVER CITY CITIZENS

April 25, 2005

To Whom It May Concern:

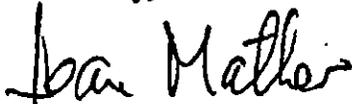
The owners and agents for the proposed Riverside Project at 127 and 149 E. Riverside have worked with the South River City Citizens Neighborhood Association (SRCC) Zoning Committee to arrive at a plan that was agreeable to both parties. The proposal for the Riverside Project at 127 and 149 E. Riverside Drive includes:

- 1) Downzoning of the Property from LI, Limited Industrial Service to CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan, in advance of the current planning process for the Greater South River City Combined Neighborhood Plan. The prohibited uses for proposed conditional overlay are attached as Exhibit A.
- 2) Seeking variances to the South Shore Central Subdistrict of the Waterfront Overlay as follows:
  - a. Variance to Section 25-7-742 to reduce the primary setback line of 80-feet from the East Bouldin Creek centerline to 15-feet from the East Bouldin Creek centerline; and
  - b. Variance to Section 25-7-742 to reduce the secondary setback line of 130-feet from the primary setback line parallel to the East Bouldin Creek to 0-feet from the primary setback line parallel to East Bouldin Creek (15-feet from the centerline of East Bouldin Creek).

The SRCC membership voted at the April 4 general meeting to support the proposed project with the downzoning and variances as listed above. SRCC believes that the proposed Riverside Project will result in a significant improvement to that area of the neighborhood and will be beneficial to the landscaping/maintenance of the creek. Existing developments on that section of Bouldin Creek are within ten feet of the centerline so this development is consistent.

Finally, we applaud the owners/agents for getting the neighborhood involved early in the process and their willingness to listen to feedback and incorporate neighborhood recommendations.

Sincerely,



Jean Mather  
SRCC Co-President



Danette Chimenti  
SRCC Co-President

Attachment 7

**Exhibit A: List of Proposed Prohibited Uses for CS Zoning****Riverside Project - 127 and 149 Riverside Drive**

CS (1.610 acres)

Agricultural Sales & Services	Automotive Rentals
Automotive Repair Services	Automotive Sales
Automotive Washing (of any type)	Bail Bond Services
Campground	Commercial Blood Plasma Center (Conditional)
Commercial Off-Street Parking	Convenience Storage
Drop-Off Recycling Collection Facility	Exterminating Services
Food Sales (that exceeds a site area of 3,000 square feet)	Indoor Entertainment
Funeral Services	Kennels
Indoor Sports and Recreation	Monument Retail Sales
Laundry Service	Outdoor Sports and Recreation
Outdoor Entertainment (Conditional)	Restaurant (Limited) (that exceeds a site area of 3,000 square feet)
Restaurant (General) (that exceeds a site area of 3,000 square feet)	Service Station
Pawn Shop Services	Vehicle Storage
Theater	Maintenance and Service Facilities
Local Utility Services	Telecommunication Tower - 1 (Conditional)
Residential Treatment	Transportation Terminal (Conditional)
Transitional Housing (Conditional)	
Adult Oriented Uses	

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 127 AND 129 EAST RIVERSIDE DRIVE FROM  
3 LIMITED INDUSTRIAL SERVICES (LI) DISTRICT TO GENERAL  
4 COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING  
5 DISTRICT.

6  
7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

8  
9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from limited industrial services (LI) district to general commercial  
11 services-conditional overlay (CS-CO) combining district on the property described in  
12 Zoning Case No. C14-05-0077, on file at the Neighborhood Planning and Zoning  
13 Department, as follows:

14  
15 A 1.609 acre tract of land, more or less, out of the Isaac Decker League Survey No.  
16 20, Travis County, the tract of land being more particularly described by metes and  
17 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

18  
19 locally known as 127 and 129 East Riverside Drive, in the City of Austin, Travis County,  
20 Texas, and generally identified in the map attached as Exhibit "B".

21  
22 PART 2. The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:

- 24  
25 1. A site plan or building permit for the Property may not be approved, released, or issued,  
26 if the completed development or uses of the Property, considered cumulatively with all  
27 existing or previously authorized development and uses, generate traffic that exceeds  
28 2,000 trips per day.  
29  
30 2. A use in this subsection may not exceed a gross floor area of 3,000 square feet of gross  
31 floor area.

32  
33 Food sales  
34 Restaurant (general)  
35 Restaurant (limited)  
36  
37

3. The following uses are prohibited uses of the Property:

- |                                |  |
|--------------------------------|--|
| Adult oriented businesses      | Agricultural sales and services        |
| Automotive rentals             | Automotive repair services             |
| Automotive sales               | Automotive washing (of any kind)       |
| Bail bond services             | Campground                             |
| Commercial blood plasma center | Commercial off-street parking          |
| Convenience storage            | Drop-off recycling collection facility |
| Exterminating services         | Funeral services                       |
| Indoor entertainment           | Indoor sports and recreation           |
| Kennels                        | Laundry services                       |
| Local utility services         | Maintenance and service facilities     |
| Monument retail sales          | Outdoor entertainment                  |
| Outdoor sports and recreation  | Residential treatment                  |
| Service station                | Pawn shop services                     |
| Telecommunication tower-1      | Theater                                |
| Transitional housing           | Transportation terminal                |
| Vehicle storage                |  |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005      §  
   §  
   §

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk

1.609 ACRES  
RIVERSIDE RESOURCES  
TRACTS ONE, TWO, THREE, AND FOUR

FN NO. 05-264 (CLW)  
MAY 14, 2005  
BPI JOB NO. 470-14

**EXHIBIT A**  
**DESCRIPTION**

OF 1.609 ACRES OF LAND OUT OF THE ISAAC DECKER LEAGUE SURVEY NO. 20, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING TRACTS ONE, TWO, THREE AND FOUR AS CONVEYED TO MOODY-DAY, INC. BY DEED OF RECORD IN VOLUME 13173, PAGE 4250 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT FOUR BEING LOT 2, R.H. FOLMER SUBDIVISION, OF RECORD IN VOLUME 8, PAGE 161 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.609 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the westerly line of Riverside Drive (85' R.O.W.), being the northeasterly corner of said Tract One and the southeasterly corner that certain tract of land conveyed to Dean Johnston by deed of record in Volume 2045, Page 372 of the Deed Records of Travis County, Texas;

THENCE, S37°13'00"E, along the westerly line of Riverside Drive, being the easterly line of said Tracts One, Two, Three and Four and said Lot 2, for the easterly line hereof, a distance of 301.22 feet to a 3/4 inch iron pipe found, being the northeasterly corner of Lot 1 of said R.H. Folmer Subdivision and the southeasterly corner of said Lot 2 and also being the southeasterly corner of said Tract Four, for the southeasterly corner hereof;

THENCE, S51°34'59"W, leaving the westerly line of Riverside Drive, along the northerly line of said Lot 1 and a portion of the northerly line of that certain tract of land conveyed to Capitol City Trade and Technical School by deed of record in Volume 4659, Page 93 of the Deed Records of Travis County, Texas, being the southerly line of said Lot 2 and said Tract Four, for the southerly line hereof, a distance of 244.04 feet to a 1/2 inch iron rod found at or near the center of Bouldin Creek, being the southwesterly corner of said Lot 2 and said Tract Four, for the southwesterly corner hereof;

THENCE, N27°54'57"W, along a line at or near the center of Bouldin Creek, being a portion of the northerly line of said Capitol City Trade and Technical School tract and also being a portion of the easterly line of Lot B First Resubdivision of the Taylor Glass Subdivision, a subdivision of record in Volume 57, Page 10 of the Plat Records of Travis County, and also being a portion of the westerly line of said Lot 2, a distance of 30.30 feet to a 3/4 inch iron pipe found for an angle point hereof;

THENCE, along a line at or near the center of Bouldin Creek, being a portion of the easterly line of said Lot B and the westerly lines of said Tracts One, Two, and Three, and a portion of the westerly line of Tract Four, for the westerly line hereof, the following three (3) courses and distances:

- 1) N30°30'58"W, a distance of 183.94 feet to a 1/2 inch iron rod with cap set for an angle point;

FN 05-264 (CLW)

MAY 14, 2005

PAGE 2 OF 2

- 2) N50°44'00"W, a distance of 56.31 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N71°29'23"W, a distance of 47.19 feet to a 1/2 inch iron rod with cap set at the southwesterly corner of that certain tract of land conveyed to DJ Interests, Ltd. by deed of record in Volume 12868, Page 2279 of said Real Property Records, being the northwesterly corner of said Tract One, for the northwesterly corner hereof;

THENCE, N52°47'00"E, leaving the easterly line of said Lot B, along the southerly line of said DJ Interests, Ltd. tract and the southerly line of said Dean Johnston tract, being the northerly line of said Tract One, for the northerly line hereof, a distance of 257.36 feet to the POINT OF BEGINNING containing an area of 1.609 acres (70,108 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN, TEXAS 78746

*Mark J. Jezisek*  
MARK J. JEZISEK DATE  
R.P.L.S. NO. 5267  
STATE OF TEXAS





